

VZCZCXRO1554  
RR RUEHFL RUEHKW RUEHLA RUEHROV RUEHSR  
DE RUEHVB #0023 0141537  
ZNY CCCCC ZZH  
R 141537Z JAN 08  
FM AMEMBASSY ZAGREB  
TO RUEHC/SECSTATE WASHDC 8473  
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE

C O N F I D E N T I A L ZAGREB 000023

SIPDIS

SIPDIS

EUR/SCE FOR BALIAN, STINCHCOMB  
S/WCI FOR AMBASSADOR WILLIAMSON

E.O. 12958: DECL: 01/14/2018  
TAGS: [KAWC](#) [PGOV](#) [HR](#) [WAR](#) [CRIMES](#)  
SUBJECT: WAR CRIMES PROSECUTION OF MP GLAVAS CONTINUES, BUT  
DETENTION ENDS

REF: A. A. ZAGREB 00019

[1](#)B. B. 2007 ZAGREB 372 AND PREVIOUS

Classified By: POLOFF Douglas Fisk for reasons 1.4 (b) and (d)

[1](#)1. (SBU) Subsequent to the Zagreb County Court's decision last week (REF A) that Branimir Glavas had re-gained parliamentary immunity due to his re-election to the Croatian Sabor, the Sabor's Mandates and Immunities Committee met on January 12 and overwhelmingly voted to again lift Glavas' immunity from prosecution for alleged war crimes committed in the city of Osijek in the early 1990's. In a separate and narrower vote, however, the Sabor Committee decided to maintain Glavas' immunity from detention while the trial is underway. The Committee decisions were then confirmed by the full Sabor. The decision to allow the prosecution of Glavas to continue was nearly unanimous (132 yeas and one abstention), while the vote to keep Glavas out of detention was much narrower (81 in favor, 49 against, and three abstentions). The votes mean that the trial against Glavas will continue, but that he will no longer be held in detention, where he has been held for several months due the court's concerns about possible witness tampering, while the trial proceeds. The next session of the trial is scheduled for January 21.

[1](#)2. (SBU) The Sabor action to block any effort by the courts to continue Glavas' detention was supported by the main ruling coalition parties, the HDZ, HSS and HSLS, as well as Glavas' own HDSSB party and the one right-wing HSP representative. The Croatian Serb SDSS party, which is part of the ruling coalition, refused to go along with its coalition partners, and voted to permit Glavas to stay in detention. HDZ parliamentarians explained their party's shift from its position of a year and a half ago, when it had voted to allow Glavas' detention, by arguing that there were no longer serious concerns that Glavas would engage in witness tampering, particularly given his deteriorating health (brought on by Glavas' repeated hunger strikes protesting his detention). Other commentators noted that the HDZ clearly wants to avoid the possibility of Glavas' death by hunger-strike while in detention making him a martyr, particularly with local elections looming in a few weeks in Glavas' political base of Osijek. Upon receiving news of the vote, Glavas immediately discontinued his hunger strike and was transferred by ambulance from Zagreb's prison hospital to a hospital in Osijek.

[1](#)3. (SBU) Nonetheless, the Sabor's decision to allow Glavas to remain out of detention has drawn considerable criticism. Sources in the State Prosecutor's office are quoted in the press as being very concerned that Glavas will in fact be more able to coach and/or pressure witnesses in the trial, and that this could cause serious damage to the prosecution's

case. Other commentators have denounced the apparent meddling by the Sabor into what should more appropriately be judicial decisions regarding whether or not Glavas' continued detention was necessary. The president of the Croatian Helsinki Committee was quoted as saying the decision could even threaten a "constitutional crisis."

¶4. (C) COMMENT: We are reassured to see such an overwhelming majority of Sabor members accept that the charges against Glavas are serious enough to merit continued investigation and prosecution. The seriousness of the case, however, is all the more reason that this trial must be conducted effectively and without political interference. While we cannot judge whether Glavas' continued detention is crucial to ensuring a proper trial, we doubt that the Sabor can make such a judgment either, and take seriously the reports of the prosecutors' concerns about Glavas' ability to influence the trial if not in detention. It is disappointing that the Sabor and the government were unwilling to let the decision about whether Glavas should be detained during trial remain in the court's hands. END COMMENT.  
BRADTKE